

REMARKS

Claims 1-16 appear in this application for the Examiner's review and consideration. As this is a reissue application, it is Applicant's understanding that the claims should reflect any changes that have been made to the claims that have issued in US patent 6,375,773 such that the current claims are presented with underlining for additions and strikethrough for deletions to indicate any changes beyond the claims that issued in the '73 patent.

In particular, the following changes have been made to the claims of Applicant's prior amendment. Previous claim 15 has been canceled to overcome the section 112 and 102(b) rejections of that claim. Previous claim 14 has been re-written as new claim 16. New claims 14 and 15 have been added: these claims are supported by the specification as originally filed as well as by current claims 7 and 8 so that there is no issue of new matter in presenting these claims nor is there any need for a further search of the art for these claims as they are the same in substance as claims 7 and 8. Accordingly, the current claim set should be entered at this time.

The indication of allowable subject matter in prior claims 1-14 (now claims 1-13 and 16) is noted with appreciation. It is respectfully submitted that new claims 14-15 also contain allowable subject matter.

The claims were rejected as being based upon a defective reissue declaration. In response, a substitute reissue declaration in full compliance with 35 USC 251 and 37 CFR 1.175 is being obtained from the inventor and will be submitted as soon as possible. It is respectfully requested that an Ex Parte Quayle action be issued if this declaration is not submitted prior to the time that the Examiner must take further action on this application. It is anticipated that the declaration will be submitted within the next month.

In the event that the Examiner does not agree that all claims are now allowable, a personal or telephonic interview is respectfully requested to discuss any remaining issues in an effort to expedite the eventual allowance of this application.

Respectfully submitted,



Allan A. Fanucci

(Reg. No. 30,256)

WINSTON & STRAWN LLP

Customer No. 28765

212-294-3311

6/2/09
Date